



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-56709-2024 (O&M)
Date of Decision:-20.11.2024

Krishan ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Balraj Gujjar, Advocate for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
170	7.4.2023	Dabua, Faridabad, District Faridabad (Haryana)	302/34 of Indian Penal Code wherein offence under Section 201 of IPC added later on

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
- The FIR was lodged at the instance of Balbir, wherein it is alleged that his son Sunil was running a dairy and that on 7.4.2023 at about 5:00 A.M., he received information that Sunil had been murdered by some unknown persons, who had inflicted injuries on his head. Upon receipt of said information, the complainant rushed to the spot and saw that Sunil had been tied to a cot and there were several injuries on his head. The complainant thus alleged that some unknown persons had murdered his son by inflicting injuries. It is further the case of prosecution that on 11.4.2023 i.e after about 4 days of the incident, the complainant made a supplementary statement to the



effect that upon making inquiries at his own level, he had come to know that his son had been murdered by Krishan Khatana and his driver Pramod and that some other persons may also be involved in the murder.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and came to be nominated by the complainant after about 4 days of the alleged incident on the basis of some inquiries having been made by the complainant, whereas it is not forthcoming as to from which sources he had collected such information. Learned counsel for the petitioner submits that apart from the statement of the complainant, who is not an eyewitness, no other evidence has been collected during the course of investigation to connect him with the alleged murder and that neither there is any circumstantial evidence in the shape of any kind of extra judicial confession nor any kind of last seen evidence and that as such the petitioner deserves to be released on bail and cannot be kept behind bars for an indefinite period. Learned counsel for the petitioner submitted that even when the complainant stepped into the witness box as PW-10, his statement does not reveal anything as to from which source he had come to know regarding involvement of the petitioner. It has been submitted that the petitioner otherwise has a clean record and is not involved in any other case.
4. Opposing the petition, learned State counsel submitted that since the complainant himself nominated the petitioner in his supplementary statement, his complicity is clearly evident. Learned State counsel has informed that the petitioner has been behind bars since the last about 1 year, 7 months and 9 days and otherwise has a clean record. It has further been informed that as on date 11 PWs out of cited 23 PWs have been examined.



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5. This Court has considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and bearing in mind that the petitioner has been behind bars for a substantial period of about 1 year, 7 months and 9 days and has a clean record and that it is a case based on circumstantial evidence and that as on date, no clinching evidence has been brought on record, further detention of the petitioner would not be justified.
7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.11.2024
Geeta/P

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No